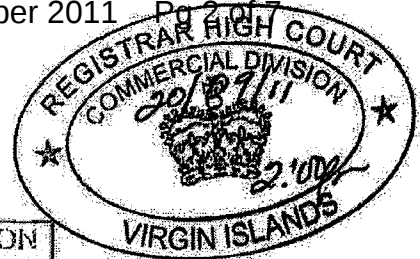


EXHIBIT E

**The Eastern Caribbean Supreme Court
In the High Court of Justice
British Virgin Islands
Commercial Division**



BVIHC(COM) 30/2010

Between:

**ABN AMRO FUND SERVICES (ISLE OF MAN) NOMINEES LIMITED
(formerly FORTIS (ISLE OF MAN) NOMINEES LIMITED)**

Applicant/4th Defendant

FAIRFIELD SENTRY LIMITED (in liquidation)

Claimant/Respondent

NOTICE OF APPLICATION

The Applicant, c/o Harneys, Craigmuir Chambers, Road Town, Tortola, British Virgin Islands, applies to the court pursuant to CPR 26.1(2)(i) and/or under CPR 15.2(a) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000, for an order that:

- (1) The claim against the Applicant be dismissed following the decision of the Court dated 16 September 2011 on Preliminary Issue (4);
- (2) Further or alternatively that summary judgment in favour of the Applicant be entered against the Claimant;
- (3) The time for filing and service of this application and supporting evidence be abridged pursuant to CPR 26.1(2)(k);
- (4) The costs of and occasioned by this application be paid by the Claimant;
- (5) The Applicant's costs of the trial of preliminary issues and of the action be paid by the Claimant; and
- (6) Such further order as the court deems fit.

A draft of the order that we seek is attached.

The grounds of the application are –

1. In view of the available dates for the hearing of this application it is not possible for the Applicant to comply with the time periods for filing and service of the application and supporting evidence required by CPR 11.11(1)(b) and/or 15.4(1) and/or 15.5(1).
2. As a consequence of the Court's decision on Preliminary Issue 4, the Claim herein is bound to fail and/or the Claimant has no real prospect of succeeding on the Claim herein.

The Affidavit of Phillip Kite accompanies this application.

Dated: 20 September 2011

Signed:

A handwritten signature in black ink, appearing to be 'Harney Westwood & Riegels', written over a horizontal line.

Kissock Laing

HARNEY WESTWOOD & RIEGELS

Solicitors for the Applicant / 4th Defendant

NOTICE:

This application will be heard by the Judge in Chambers on the th27 day of *Sept*, 2011
at *10:00* ~~am~~^{pm}

If you do not attend this hearing an order may be made in your absence.

OR

The Judge in Chambers will deal with this application by –

NB This notice of application must be served as quickly as possible on the respondent to the application.

The court office is at the Registry of the High Court, the Court House in Road Town, Tortola, British Virgin Islands telephone number (284) 494-3492, FAX (284) 494-6664. The office is open between 9.00 am and 4.30 pm Monday to Friday except public holidays.

**The Eastern Caribbean Supreme Court
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Between:

**ABN AMRO FUND SERVICES (ISLE OF MAN) NOMINEES LIMITED
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Applicant/4th Defendant

FAIRFIELD SENTRY LIMITED (in liquidation)

Claimant/Respondent

Draft ORDER

BEFORE: The Honourable Justice Edward Bannister QC

DATED: The day of September 2011

ENTERED: The day of September 2011



UPON the application by the Claimant by notice of application dated 19 September 2011 (the "Application")

AND UPON HEARING Mr Mark Hapgood QC, Mr Kissock Laing and Mrs Kimberly Crabbe-Adams for the Applicant and Mr Michael Brindle QC, Mr Andrew Westwood and Mr William Hare for the Respondent

IT IS ORDERED that:

1. The claim against the Applicant be dismissed;
2. Further or alternatively that summary judgment in favour of the Applicant be entered against the Claimant;

3. The time for filing and service of this application and supporting evidence be abridged;
4. The costs of and occasioned by this application be paid by the Claimant;
5. The Applicant's costs of the trial of preliminary issues and of the action be paid by the Claimant.

BY THE COURT

REGISTRAR

**The Eastern Caribbean Supreme Court
In the High Court of Justice
British Virgin Islands
Commercial Division**

BVIHC(COM) 30/2010

Between:

**ABN AMRO FUND SERVICES (ISLE OF MAN) NOMINEES LIMITED
(formerly FORTIS (ISLE OF MAN) NOMINEES LIMITED)**

Applicant/4th Defendant

FAIRFIELD SENTRY LIMITED (in liquidation)

Claimant/Respondent

NOTICE OF APPLICATION

**Harney Westwood & Riegels
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Craigmuir Chambers, PO Box 71
Road Town, Tortola
British Virgin Islands
Telephone No. (284) 494-2233
FAX (284) 494-6290
(Ref:kcl 041766.0001)**